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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10 RATIONAL SOLUTIONS, LLC, et al.,
11 Plaintiffs,
12 v.
13 THINK SURGICAL, INC., et al.,
14 Defendants.

Case No. [19-cv-00457-MMC](#)

**ORDER GRANTING MOTION FOR
PARTIAL DISMISSAL; DISMISSING
FIRST, FOURTH, FIFTH, AND SIXTH
CAUSES OF ACTION; AFFORDED
PLAINTIFFS LEAVE TO AMEND**

Re: Dkt. No. 23

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16 Before the Court is defendant Think Surgical, Inc.'s ("Think Surgical"), "Motion to
17 Partially Dismiss Plaintiffs' Complaint," filed April 8, 2019, whereby Think Surgical seeks
18 an order dismissing the First, Fourth, Fifth, and Sixth Causes of Action alleged in plaintiffs
19 Rational Solutions, LLC, and Stansilav Shalayev's Complaint. Plaintiffs have filed
20 opposition, to which Think Surgical has replied. The matter came on regularly for hearing
21 on May 17, 2019. Jeffrey G. Nevin of Nevin Law Firm, P.C., and Richard J. O'Brien
22 appeared on behalf of plaintiffs. Oliver Rocos of Bird, Marella, Boxer, Wolpert, Nessim,
23 Drooks, Lincenberg & Rhow, P.C. appeared on behalf of Think Surgical.

24 The Court having considered the parties' respective written submissions and the
25 arguments of counsel at the hearing, the motion is, for the reasons stated on the record
26 at the hearing, hereby GRANTED, and the above-referenced Causes of Action are
27 hereby DISMISSED with leave to amend.

28 Plaintiffs shall file their First Amended Complaint no later than June 7, 2019, and

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Northern District of California

1 Think Surgical shall file its response thereto no later than June 28, 2019.
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IT IS SO ORDERED.

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4 Dated: May 20, 2019
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Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge